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September 4, 2014

Joey Houshar
Fabrication Technologies Industries Inc.
2200 Haffley Ave
San Diego, CA 91950

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**Re: Clean Water Act Notice of Intent to Sue/60-Day Notice Letter
Fabrication Technologies Violations of General Industrial Permit**

Dear Mr. Houshar:

Please accept this letter on behalf of the Coastal Environmental Rights Foundation (CERF) regarding Fabrication Technologies Industries' violations of the State Water Resources Control Board Water Quality Order No. 97-03-DWQ, Natural Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001, and Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (General Industrial Permit). This letter constitutes CERF's notice of intent to sue for violations of the Clean Water Act and General Industrial Permit for Fabrication Technologies Industries (Facility), as set forth in more detail below.

Section 505(b) of the Clean Water Act requires that sixty (60) days prior to the initiation of a citizen's civil lawsuit in Federal District Court under Section 505(a) of the Act, a citizen must give notice of the violations and the intent to sue to the violator, the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of the U.S. Environmental Protection Agency for the region in which the violations have occurred, the U.S. Attorney General, and the Chief Administrative Officer for the State in which the violations have occurred (33 U.S.C. § 1365(b)(1)(A)). This letter provides notice of Fabrication Technologies Industries' Clean Water Act violations and CERF's intent to sue.

I. Coastal Environmental Rights Foundation (CERF)

CERF is a non-profit public benefit corporation organized under the laws of the State of California with its main office in Encinitas, CA. CERF is dedicated to the preservation, protection, and defense of the environment, the wildlife, and the natural resources of the California Coast. Members of CERF use and enjoy the waters into which pollutants from Fabrication Technologies Industries ongoing illegal activities are discharged into the San Diego Bay. The public and members of CERF use the San Diego Bay to fish, sail, boat, kayak, surf, swim, scuba dive, birdwatch, view wildlife, and to engage in scientific studies. The discharge of pollutants by Fabrication Technologies Industries affects and impairs each of these uses. Thus, the interests of CERF's members have been, are being, and will continue to be adversely affected by Fabrication Technologies Industries Owners and/or

Operators' failure to comply with the Clean Water Act and the General Industrial Permit.

II. Storm Water Pollution and the General Industrial Permit

A. Duty to Comply

Under the Clean Water Act, the discharge of any pollutant to a water of the United States is unlawful except in compliance with certain provisions of the Clean Water Act. (See 33 U.S.C. § 1311 (a)). In California, any person who discharges storm water associated with industrial activity must comply with the terms of the General Industrial Permit in order to lawfully discharge. Fabrication Technologies Industries enrolled as a discharger subject to the General Industrial Permit on June 30, 2009 for its facility at 2200 Haffley Ave in San Diego, California.

Pursuant to Section C(1) of the General Industrial Permit, a facility operator must comply with all conditions of the General Industrial Permit. Failure to comply with the General Industrial Permit is a Clean Water Act violation. (General Industrial Permit, § C.1). Any non-compliance further exposes an owner/operator to an (a) enforcement action; (b) General Industrial Permit termination, revocation and re-issuance, or modification; or (c) denial of a General Industrial Permit renewal application. As an enrollee, Fabrication Technologies Industries has a duty to comply with the General Industrial Permit and is subject to all of the provisions therein.

B. Failure to File An Annual Report

Section B(14) requires that all facility operators submit an Annual Report by July 1 of each year to the Executive Officer of the Regional Water Board responsible for the area in which the facility is located. The Annual Report must include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling and analysis results, laboratory reports, the annual comprehensive site compliance evaluation report, an explanation of why a facility did not implement any activities required, and records specified in Section B(13) and B(14) of the General Industrial Permit. The Annual Report is necessary in order to assess the facility's compliance and prevent excess discharges from the facility into receiving waters (the San Diego Bay).

Every day the Fabrication Technologies Industries Owners and/or Operators operate the Facility without reporting, as required by the General Industrial Permit, is a separate and distinct violation of the General Industrial Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Fabrication Technologies Industries Owners and/or Operators have been in daily and continuous violation of the General Industrial Permit's reporting requirements every day they fail to submit reports to the Regional Board – for a total of more than 360 days. The Fabrication Technologies Industries Owners and/or Operators are subject to penalties for all violations of the General Industrial Permit and the Clean Water Act occurring since they failed to submit an annual report for the 2012-2013 and 2013-2014 years.

Indeed, the facility owners/operators were sent a Notice of Noncompliance for failure to submit Annual Reports on numerous occasions. (See Exhibit A).

Thus, the Fabrication Technologies Industries Owners and/or Operators are liable for civil penalties and violations of the reporting requirements of the General Industrial Permit and the Clean Water Act, punishable by a minimum of \$37,500 per day of violation. (33 U.S.C. §1319(d); 40 CFR 19.4).

C. Failure to Monitor

The Fabrication Technologies Industries Owners and/or Operators have further failed to sample as required for the 2012-2013 and 2013-2014 years. Sections B(5) and (7) of the General Industrial Permit require dischargers to visually observe and collect samples of storm water discharged from all locations where storm water is discharged. Facility operators, including Fabrication Technologies Industries Owners and/or Operators, are required to collect samples from at least two qualifying storm events each wet season, including one set of samples during the first storm event of the wet season. Required samples must be collected by Facility operators from all discharge points and during the first hour of the storm water discharge from the Facility. Sampling of stored or contained storm water shall occur any time the stored or contained storm water is released.

Fabrication Technologies Industries Owners and/or Operators have completely failed to meet these monitoring requirements for the 2012-2013 and 2013-2014 periods and are thus subject to penalties in accordance with the General Industrial Permit – punishable by a minimum of \$37,500 per day of violation. (33 U.S.C. §1319(d); 40 CFR 19.4).

In addition, Fabrication Technologies Industries Owners and/or Operators failed to monitor the Table D parameters for the SIC codes associated with the Facility (as reflected on the Notice of Intent) for the years 2009-2010, 2010-2011, and 2011-2012.

D. Inadequate Storm Water Pollution Prevention Plan

One of the main requirements for the General Industrial Permit is the Storm Water Pollution Prevention Plan (SWPPP). (General Industrial Permit §A). Fabrication Technologies Industries has not developed a SWPPP as required by the General Permit.

The SWPPP has two major objectives: (1) to help identify the sources of pollution that affect the quality of industrial storm water discharges and authorized non-storm water discharges, and (2) to describe and ensure the implementation of BMPs to reduce or prevent pollutants in industrial storm water discharges and authorized non-storm water discharges. (General Industrial Permit, Fact Sheet, p. IX).

Every day the Fabrication Technologies Industries Owners and/or Operators operate the Facility without a SWPPP, there is a separate and distinct violation of the General Industrial Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Fabrication Technologies Industries Owners and/or Operators have been in daily and continuous violation

of the General Industrial Permit for not submitting a SWPPP since enrollment on June 30, 2009. These violations are ongoing and the Fabrication Technologies Industries and/or Operators will continue to be in violation every day they fail provide a SWPPP for the Facility. Thus, the Fabrication Technologies Industries Owners and/or Operators are liable for civil penalties of up to \$37,500 per day of violation for 1,830 violations of the General Industrial Permit and the Clean Water Act.

III. Remedies

Upon expiration of the 60-day period, CERF will file a citizen suit under Section 505(a) of the Clean Water Act for the above-referenced violations. During the 60-day notice period, however, CERF is willing to discuss effective remedies for the violation noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately. If good faith negotiations are not being made, at the close of the 60-day notice period, CERF will move forward expeditiously with litigation.

CERF's action will seek all remedies available under the Clean Water Act § 1365(a)(d). CERF will seek to enjoin the illegal discharges unless Fabrication Technologies Industries submits its annual report as mandated by the Clean Water Act. CERF will also seek the maximum penalty available under the law which is \$37,500 per day for failure to submit the 2012-2013 and 2013-2014 Annual Reports.

Fabrication Technologies Industries must develop and implement a SWPPP and submit its annual report for the 2012-2013 and 2013-2014 years, consistent with the sampling and monitoring of storm water discharges required in the General Industrial Permit. Should Fabrication Technologies Industries Owners and/or Operators fail to do so, CERF will file an action against Fabrication Technologies Industries for its prior, current, and anticipated violations of the Clean Water Act.

CERF may further seek a court order to prevent Fabrication Technologies Industries from discharging pollutants. A strong or substantial likelihood of success on the merits of CERF's claim exists, and irreparable injuries to the public, public trust resources, and the environments will result if Fabrication Technologies Industries further discharges pollutants into the San Diego Bay. The cessation of Fabrication Technologies Industries discharge will not cause substantial harm to others, and the public interest would be served in preventing discharge of pollutants into receiving waters.

Lastly, section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorneys' and experts' fees. CERF will seek to recover all of its costs and fees pursuant to section 505(d).

IV. Conclusion

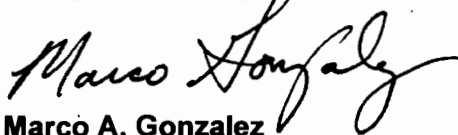
CERF has retained legal counsel to represent it in this matter. Please direct all communications to Coast Law Group:

Marco A. Gonzalez
COAST LAW GROUP LLP
1140 S. Coast Highway 101
Encinitas, CA 92024
Tel: (760) 942-8505 x 102
Fax: (760) 942-8515
Email: marco@coastlawgroup.com

CERF will entertain settlement discussions during the 60-day notice period. Should you wish to pursue settlement, please contact Coast Law Group LLP at your earliest convenience.

Sincerely,

COAST LAW GROUP LLP



Marco A. Gonzalez



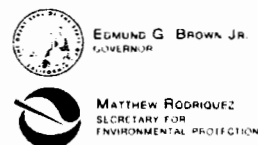
Livia Borak
Attorneys for
Coastal Environmental Rights Foundation

Enclosure: Exhibit A – Notices of Noncompliance

CC:

Jared Blumenfeld, Region 9 Administrator Alexis Strauss, Deputy Regional Administrator U.S. EPA, Region 9 75 Hawthorne Street San Francisco, CA, 94105	Dave Gibson, Executive Officer Catherine Hagan, Staff Counsel San Diego Regional Water Quality Control Board 9174 Sky Park Court, Suite 100 San Diego, CA. 92123-4340
Gina McCarthy EPA Administrator Mail Code 4101M USEP A Ariel Rios Building (AR) 1200 Pennsylvania Avenue N.W. Washington, DC 20004	Thomas Howard Executive Director State Water Resources Control Board P.O. Box 100 Sacramento, CA 95812-0110

EXHIBIT A



California Regional Water Quality Control Board, San Diego Region

October 9, 2012

Joey Houshar
Fabrication Technologies Industries Inc
2200 Haffley Ave
National City, CA 91950

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 6596

In reply refer to:
Application ID 367731: wghoram

NOTICE OF NONCOMPLIANCE AND REQUIREMENT TO SUBMIT TECHNICAL REPORTS PERTAINING TO STORM WATER DISCHARGES FROM FABRICATION TECHNOLOGIES INDUSTRIES INC, 2200 HAFFLEY AVE, NATIONAL CITY, CA 91950

Mr. Joey Houshar:

NOTICE OF NONCOMPLIANCE

You are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2011-2012 Annual Report. The Annual Report was due to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) by July 1, 2012 as required by Section B.14 of the Order. By filing your Notice of Intent, you agreed to comply with the requirements of Order No. 97-03-DWQ which includes submitting Annual Reports.

You were previously notified on **September 13, 2012** during an inspection of your facility by the San Diego Water Board that the 2011-2012 Annual Report had not been received. This notice is to inform you that, pursuant to California Water Code (Water Code) section 13399.31 and 13399.33, you may be subject to **a minimum mandatory penalty** of \$1,000 plus staff costs if you fail to submit the 2011-2012 Annual Report.

WATER CODE SECTION 13267 ORDER FOR TECHNICAL INFORMATION

Pursuant to Water Code section 13267, you are required to submit the technical reports described below. San Diego Water Board staff needs this information to assess the potential for water quality impacts by contaminated storm water from your facility. Based on the nature and possible consequences of any discharge(s), the burden, including the cost of submitting this information bears a reasonable relationship to the need for the information and the benefits to be obtained.

GRANT DESTACHE, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

9174 Sky Park Court, Suite 100, San Diego, CA 92123 | (858) 467-2952 | www.waterboards.ca.gov/sandiego



October 9, 2012

Storm Water Pollution Prevention Plan (SWPPP) Compliance Date: November 9, 2012

You are required to submit a copy of your SWPPP. The SWPPP must contain all of the elements described in Section A: Storm Water Pollution Prevention Plan Requirements, of Order 97-03-DWQ.

Monitoring Program

Compliance Date: November 9, 2012

You are required to submit a copy of your Monitoring Program. The Monitoring Program must contain all of the elements described in Section B: Monitoring Program and Reporting Requirements of Order No. 97-03-DWQ.

2011-2012 Annual Report

Compliance Date: November 9, 2012

You are required to submit the 2011-2012 Annual Report. The Annual Report must contain all of the elements Section B.14 of Order No. 97-03-DWQ.

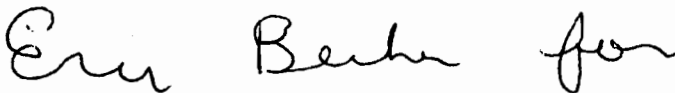
The required technical reports and any written correspondence pertaining to this matter shall be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
Attention: Industrial Storm Water Unit, App ID **367731**
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Failure to comply with this Order to submit Technical Reports may subject you to additional liability of to \$1,000 per day of violation (Water Code section 13268.) The San Diego Water Board may refer the matter to the Attorney General or District Attorney for other civil and/or criminal liabilities.

In the subject line of any response, please include the reference number indicated under "In Reply Refer To" on the first page of this letter. For questions or comments, please contact Whitney Ghoram by phone at 858-467-2967, or by email at Wghoram@waterboards.ca.gov.

Respectfully,



David Barker, P.E.
Supervising Water Resources Control Engineer
Surface Waters Basins Branch
DB:eb:ac

Enclosure:

Cc [via email]: Din Daneshfar, National City Storm Water Dept., ddaneshfar@ci.national-city.ca.us

Tech Staff Info & Use	
WDID	9 371022200
NPDES No.	CAS000001
Inspection ID	2016391
Enforcement ID	410332, 410333



California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



Matthew Rodriquez
Secretary for
Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • FAX (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

Edmund G. Brown Jr.
Governor

CERTIFIED MAIL
7010 1060 0000 4952 9529

In reply refer to:
WDID #: 9 371022200
NWU:wghoram

September 29, 2011

Joey Houshar
Fabrication Technologies Industries Inc
2200 Haffley Ave
National City, CA 91950

Subject: NOTICE OF VIOLATION: NPDES NO. CAS000001: ORDER NO. 97-03-DWQ: DISCHARGER NAME: WDID 9 371022200: FAILURE TO SUBMIT 2010-2011 INDUSTRIAL STORM WATER ANNUAL REPORT

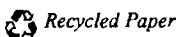
Facility: Fabrication Technologies Industries Inc
2200 Haffley Ave
National City, CA 91950

YOU ARE HEREBY NOTIFIED THAT:

You are in violation of the statewide General Industrial Storm Water Permit Order No. 97-03-DWQ (Order) for failure to submit the 2010-2011 Annual Report. The Annual Report was due to the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) by July 1, 2011 as required by Section B.14 of the Order.

Pursuant to California Water Code (CWC) Sections 13399.31-33, and 13385, your failure to submit the Annual Report subjects you to possible enforcement action by the San Diego Water Board. Civil liability could range from a minimum of \$1,000 and up to \$10,000 a day for each day of violation, or up to \$25,000 a day if the liability is assessed by a court. You may also be subject to criminal penalties under Section 13387 of the CWC. The number of days of violation would be counted from July 1, 2011, up to the date the 2010-2011 Annual Report is received. To minimize the potential liability assessed, please submit the Annual Report immediately. Submit online in SMARTS or mail the Annual Report to the address at the top of this page, attention Whitney Ghoram.

California Environmental Protection Agency



September 29, 2011

If you have any questions pertaining to the submission of the Annual Report, and or the issuance of this NOV, please contact Whitney Ghoram at (858) 636-3134, or by email at wghoram@waterboards.ca.gov. If you feel you have received this NOV in error, please contact our office immediately.

Respectfully,



David Barker, P.E.
Supervising Water Resources Control Engineer
Surface Water Basins Branch

DTB:esb:pab

SMARTS:

Violation ID	845547
Enforcement ID	406492